

Remarks:

Reconsideration of the application is requested.

Claims 1 and 3-9 remain in the application. Claims 1 and 3-9 have been amended. Claim 2 has been cancelled.

In the section entitled "Drawings" on page 2 of the above-identified Office action, the drawings have been objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims.

More specifically, the Examiner has stated that the position worn as intended (claim 1); the head-support element being designed and dimensioned such that it can be guided over and beyond the backrest of the seat and/or can be suspended around or over a headrest provided on the seat (claim 2); the head support element being designed such that the weight element can come to rest or hang behind the passenger (claim 3); the cushion-like elements having connecting devices which permit a releasable connection of the cushion-like elements to one another and/or a releasable connection to the connecting section and/or to the weight element (claim 6); and the connecting section having a releasable connection to the head-support element and/or to the weight element (claim 8) must be shown or the feature(s) cancelled from the claim(s).

Figs. 3, 4, 5a, 5b, and 6 have been added to clearly show the features mentioned by the Examiner. For example, Fig. 3 shows the position worn as intended; the features of claims 2 and 3 are shown in Figs. 4, 5a, and 5b; Fig. 6 shows the releasable connection as recited in claims 6 and 8. The corresponding part of the specification has been amended accordingly.

In the section entitled "Claim Rejections - 35 USC § 112" on pages 2-3 of the above-identified Office action, claims 1-9 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that in claim 1, lines 8-9, "the position worn as intended" has no definite antecedent basis. The wording "the position worn as intended" has been changed to "an intended use position".

The Examiner has also stated that in claim 7, line 2, "the connecting section" has no definite antecedent basis. Claim 1 has been amended to provide antecedent basis for "the connecting section."

The Examiner has further stated that in claim 8, line 2, "the connecting section" has no definite antecedent basis. Claim 1 has been amended to provide antecedent basis for "the connecting section."

The Examiner has additionally stated that in claim 9, line 2, "the effective dimensions" and in line 3 "the connecting section" have no definite antecedent basis. The recitation "the effective dimensions" has been changed to "effective dimensions" and claim 1 has been amended to provide antecedent basis for "the connecting section."

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In the section entitled "Claim Rejections - 35 USC § 102" on page 3 of the above-mentioned Office action, claims 1 and 5-9 have been rejected as being anticipated by Monti et al. (US Pat. No. 4,617,691) under 35 U.S.C. § 102(b). In the section entitled "Claim Rejections - 35 USC § 103" on pages 3-4 of the above-mentioned Office action, claims 2-3 have been rejected as being unpatentable over Monti et al. in view of Camelio (US Pat. No. 4,738,488) under 35 U.S.C. § 103(a).

The rejections have been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is original claim 2.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

at least one one-piece or multi-piece head-support element including one or more cushion-shaped elements, said one or more cushion-shaped elements being configured and dimensioned for, in an intended use position, completely surrounding the side and front sections of the neck and/or of the head of the passenger, resting on the shoulders and/or the chest region of the passenger; and

a one-piece or multi-piece connecting section for holding said head-support element in said intended use position, said head-support element continuing into said connecting section, said connecting section being configured and dimensioned for guiding over and beyond the backrest of the seat and/or being suspended around or over a headrest provided on the seat by throwing said connecting section over the backrest or around or over the headrest.

The Examiner has stated that Monti et al. disclose the cushion-like elements 47, 49 having connecting devices 51, 53, 55, 57, 59 (see Fig. 7). However, Monti et al. do not disclose "said head-support element continuing into said connecting section, said connecting section being configured and dimensioned for guiding over and beyond the backrest of

the seat and/or being suspended around or over a headrest provided on the seat by throwing said connecting section over the backrest or around or over the headrest", as recited in claim 1 of the instant application. Camelio does not make up the deficiencies of Monti et al.

Camelio discloses an adjustable headrest having an elongated tab section 14 and a series of Velcro strips 18 attached to the elongated tab 14. The Velcro strips attach to the upper portion of the seat back (see column 1, lines 24-25).

Clearly, the Velcro strips 18 are not weight elements in the sense of the invention of the instant application.

In addition, Camelio does not concern a device for avoiding or limiting the tilting of the head forwards and/or to the side of a passenger sitting in a seat with a backrest, rather it concerns a headrest on which a person's head may rest comfortably.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since claims 3 and 5-9 are dependent on claim 1, they are believed to be patentable as well. Claim 2 has been cancelled.

Applicants acknowledge the Examiner's statement in the section entitled "Allowable Subject Matter" on page 4 of the above-mentioned Office action that claim 4 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and to include all of the limitations of the base claim and any intervening claims.

Since claim 1 is believed to be patentable as discussed above and claim 4 is dependent on claim 1, it is believed to be patentable in dependent form. A rewrite is therefore believed to be unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-9 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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For Applicants

YHC:cgm

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